



Attorney Docket # 4452-398

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gerhard TEBBE

Serial No.: 09/904,674

Filed: July 13, 2001

For: Method And Device For The Reduction Of Load
Cycle Oscillations In The Drive Train Of A
Motor Vehicle

Examiner: Jones, Judson
Group Art: 2834

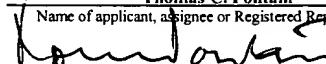
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 4, 2004

(Date of Deposit)

Thomas C. Pontani

Name of applicant, assignee or Registered Representative


Signature

March 4, 2004

Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. 1.705

SIR:

In the Notice of Allowance mailed on January 30, 2004, the Determination of Patent Term adjustment under 35 U.S.C. §1.54(b) is listed as 0 days. Applicant believes that the term should be 102 days.

The application was filed on July 13, 2001. The first office action under 35 U.S.C. §132 was issued on October 29, 2002, which results in a +46 day adjustment under 37 CFR §1.703(a)(1). Applicant's response was filed on February 2, 2003, resulting in a -7 day adjustment under 37 CFR §1.704(b). A copy of the postcard receipt indicating receipt of the amendment on this date is attached. A second office action issued on August 26, 2003, which results in a +82 day

adjustment under 37 CFR §1.703(a)(2). A response to the non-final action was filed on December 15, 2003, resulting in a -19 day adjustment under 37 CFR §1.704(b).

In view of the above, the proper patent term adjustment is $46-7+82-19 = 102$ days.

The patent term adjustment history in the "PAIR" system contains a glaring error insofar as it states that a response to the office action of October 29, 2002 was not received until August 4, 2003, resulting in a -187 day adjustment. This is invalid on its face, insofar as it exceeds the statutory six month response period.

Accordingly, applicant requests that the patent term extension be changed from "0" days to "102 days".

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

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4452-398 TCP/BF/RV January 29, 2003

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Enclosed Herewith:

1. Amendment in response to OA of October 29, 2002 w/Cert. of
Mailing
2. Declaration
3. Proposed drawings
4. Return receipt postcard

